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BELL, BOYD & LLOYD, LLC			GRAHAM, CLEMENT B	
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/945,476	YAMADA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Clement B. Graham	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 September 2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Yacobi U.S Patent 5, 878, 138).

As per claim 1, Yacobi discloses an information processing system comprising: a first information processing apparatus managed by a first business entity performing the management of an electronic money brand in an electronic money service and the management of an affiliate business entity in the electronic money service.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67)

first information giving and receiving means for giving and receiving information with a third information processing apparatus managed by a second business entity issuing a second information processing apparatus in which electronic money information and authentication information employed for authentication processing for the electronic money service are recorded.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) second information giving and receiving means for giving and receiving information with a fourth information processing apparatus managed by a third business entity providing a service that uses the electronic money;

first recording means for recording the authentication information used for the authentication processing for the electronic money service;

second recording means for recording the information regarding the second business entity and the information regarding a tie-up agreement between the first business

entity and the second business entity.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67)

and third recording means for recording the information regarding the third business entity and the information regarding a tie-up agreement between the first business entity and the third business entity.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

Wherein the second information giving and receiving means is in communication with a plurality of reader/writer devices associated with the third business entity and operable to communicate with the second information processing apparatus wherein the reader/writer devices do not store the authentication information recorded in the second information processing apparatus.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 2, Yacobi discloses a wherein the first information giving and receiving means outputs the authentication information recorded by the second recording means on the basis of the information regarding the tie-up agreement between the first business entity and the second business entity that has been recorded by the second recording means, and the second information giving and receiving means outputs the authentication information recorded by the first recording means on the basis of the information regarding the tie-up agreement between the first business entity and the third business entity that has been recorded by the third recording means. (see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 3, Yaconi discloses a further comprising first accounting means for carrying out accounting with the second business entity, and second accounting means for carrying out accounting with the third business entity. .(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 4, Yaconi discloses further comprising authenticating means for carrying out authentication processing using the authentication information recorded by the first recording means.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) wherein the authenticating means

carries out authentication processing by using the authentication information associated with the third business entity recorded by the first recording means when a signal requesting the implementation of authentication processing is received from the third business entity by the second information giving and receiving means. .(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 5, Yacobi discloses further comprising: third information giving and receiving means for giving and receiving information, through a network, with a fifth information processing apparatus that rewrites the electronic money information recorded in the second information processing apparatus.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) and generating means for generating a control signal causing the fifth information processing apparatus to carry out the loading of electronic money into the second information processing apparatus.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).  
wherein the generating means generates the control signal for the second information processing apparatus, which has been issued by the second business entity, on the basis of information regarding the tie-up agreement between the first business entity and the second business entity that has been recorded by the second recording means, and the third information giving and receiving means outputs the control signal generated by the generating means to the fifth information processing apparatus. .(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 6, Yacobi discloses wherein the network is the Internet, and the third information giving and receiving means further exchanges information with a sixth information processing apparatus managed by the third business entity having a virtual store on the Internet. .(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 7, Yacobi discloses a n information processing method for a first information processing apparatus managed by a first business entity that performs the

management of an electronic service brand and the management of an electronic money service affiliate business entity, comprising:

a first information giving and receiving step for giving and receiving information with a second information processing apparatus managed by a second business entity issuing a portable electronic device in which electronic money information and authentication information used for authentication processing related to the electronic money service are recorded.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67)

a second information giving and receiving step for giving and receiving information with a third information processing apparatus managed by a third business entity providing a service that uses the electronic money;

a first recording step for recording the authentication information used for authentication processing related to the electronic money service wherein the first recording step is performed under the management of the first entity.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) a second recording step for recording information regarding the second business entity and information regarding a tie-up agreement between the first business entity and the second business entity wherein the second recording step is performed under the management of the first entity; and

a third recording step for recording information regarding the third business entity and information regarding a tie-up agreement between the fast business entity and the third business entity wherein the third recording step is performed under the management of the first entity, wherein.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67)

in the first information giving and receiving step, the authentication information, which has been recorded by the processing of the first recording step, is output on the basis of the information regarding the tie-up agreement between the first business entity and the second business entity that has been recorded by the processing of the second recording step, and in the second information giving and receiving step, the authentication information, which has been recorded by the processing of the first

recording step, is output on the basis of the information regarding the tie-up agreement between the first business entity and the third business entity that has been recorded by the processing of the third recording step. .(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 8, Yacobi discloses a recording medium in which a computer-readable program for a first information processing apparatus managed by a first business entity that manages an electronic money brand in an electronic money service, and acquires and manages an affiliate business entity of the electronic money service has been recorded, the program comprising:

a first information giving and receiving step for giving and receiving information with a third information processing apparatus managed by a second business entity issuing a second information processing apparatus in which electronic money information and authentication information used for authentication processing related to the electronic money service are recorded.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) a second information giving and receiving step for giving and receiving information with a fourth information processing apparatus managed by a third business entity providing a service that uses the electronic money;

a first recording step for recording the authentication information used for authentication processing related to the electronic money service.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) a second recording step for recording information regarding the second business entity and information regarding a tie-up agreement between the first business entity and the second business entity; and

a third recording step for recording information regarding the third business entity and .(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) information regarding a tie-up agreement between the fast business entity and the third business entity, wherein, in the first information giving and receiving step, the authentication information, which has been recorded by the processing of the first recording step, is output on the basis of the information

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regarding the tie-up agreement between the first business entity and the second business entity that has been recorded by the processing of the second recording step, and

in the second information giving and receiving step, the authentication information, which has been recorded by the processing of the first recording step, is output on the basis of the information regarding the tie-up agreement between the fast business entity and the third business entity that has been recorded by the processing of the third recording step. (see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 9, Yacobi discloses an electronic money service providing system comprising:

a first information processing apparatus managed by a first business entity that manages an electronic money brand in an electronic money service, and acquires and manages an affiliate business entity of the electronic money service.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67)

a second information processing apparatus in which electronic money information and authentication information used for authentication processing for the electronic money service are recorded a third information processing apparatus managed by a second business entity issuing the second information processing apparatus; and a fourth information processing apparatus managed by a third business entity providing a service that uses the electronic money.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) wherein the first information processing apparatus comprises:

first information giving and receiving means for giving and receiving information with If the third information processing apparatus managed by the second business entity.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) second information giving and receiving means for giving and receiving information with the fourth information processing apparatus managed

by the third business entity; first recording means for recording the authentication information used for the authentication processing for the electronic money service; second recording means for recording the information regarding the second business entity and the information regarding a tie-up agreement between the first business entity and the second business entity.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) and third recording means for recording the information regarding the third business entity and the information regarding a tie-up agreement between the first business entity and the third business entity, the first information giving and receiving means outputs the authentication information, which has been recorded by the first recording means, on the basis of the information regarding a tie-up agreement between the first business entity and the second business entity that has been recorded by the second recording means, .(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) the second information giving and receiving means outputs the authentication information, which has been recorded by the first recording means, on the basis of the information regarding a tie-up agreement between the first business entity and the third business entity that has been recorded by the third recording means, the second information processing apparatus comprises:  
fourth recording means for recording the authentication information output to the third information processing apparatus by the first information giving and fifth recording means for recording the electronic money information,  
the third information processing apparatus comprises:  
third information giving and receiving means for giving and receiving information with the first information processing apparatus;  
sixth recording means for recording the authentication information input by the third information giving and receiving means;  
seventh recording means for recording information regarding the issuance of the second information processing apparatus.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67)

and first authentication processing means for implementing authentication processing with the second information processing apparatus on the basis of the authentication information recorded by the sixth recording means, and the fourth information processing apparatus comprises:  
fourth information giving and receiving means for giving and receiving information with the first information processing apparatus;  
eighth recording means for recording the authentication information input by the fourth information giving and receiving means; and  
second authentication processing means for implementing authentication processing with the second information processing apparatus on the basis of the authentication information recorded by the eighth recording means. (see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 10, Yacobi discloses wherein the third information processing apparatus further comprises fifth information giving and receiving means for giving and receiving information with a plurality of fifth information processing apparatuses that carry out processing for rewriting the electronic money information recorded by the fifth recording means of the second information processing apparatus, and the first authenticating means carries out authentication processing on the basis of the authentication information that has been input by the fifth information giving and receiving means and recorded by the fourth recording means of the second information processing apparatus. (see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 11, Yacobi discloses wherein the fourth information processing apparatus further comprises fifth information giving and receiving means for giving and receiving information with a plurality of fifth information processing apparatuses that carry out processing for rewriting the electronic.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) money information recorded by the fifth recording means of the second information processing apparatus, and the second authenticating means carries out authentication processing on the basis of the authentication information that has been input by the fifth information

giving and receiving means and recorded by the fourth recording means of the second information processing apparatus. .(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 12, Yacobi discloses wherein the fourth information processing apparatus further comprises:

fifth information giving and receiving means for giving and receiving information with the second information processing apparatus.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67)

and generating means for generating a control signal for rewriting the electronic money information recorded by the fifth recording means of the second information processing apparatus, and the second authenticating means for carrying out authentication processing on the basis of the authentication information that has been input by the fifth information giving and receiving means and recorded by the fourth recording means of the second information processing apparatus. (see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 13, Yacobi discloses wherein the second information processing apparatus further comprises ninth recording means for recording an application for implementing at least one function among a personal authentication card, an entering and leaving key, a commuter ticket, a point card, a membership card, a cash card, a credit card, and a loan card. (see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

As per claim 14, Yacobi discloses wherein the second information processing apparatus is an IC card, a portable telephone, an information processing terminal, a personal computer, or a timepiece. .(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

#### Conclusion

#### RESPONSE TO ARGUMENTS

3. Applicant's arguments filed 9/27/06 has been fully considered but they are not persuasive for the following reasons.
4. In response to Applicants arguments that Yacobi fail to teach or suggest" that the recipient has a plurality of reader/writer devices operable to communicate with the electronic wallet wherein the reader/writer devices do not store a key recorded in the electronic wallet. Further, it is respectfully submitted that a second information giving and receiving means is in communication with a plurality of reader/writer devices associated with a third business entity and operable to communicate with the second information processing apparatus wherein the reader/writer devices do not store the authentication information recorded in the second information processing apparatus and anything about which of one or more business entities manages which components of its system and that a first business entity performs the management of an electronic service brand, of recording the authentication information used for authentication processing related to the electronic money service, of recording information regarding a second business entity and information regarding a tie-up agreement between the first business entity and the second business entity, and of recording information regarding a third business entity and information regarding a tie-up agreement between the first business entity and the third business entity and which entity issues the electronic wallet and any tie-up agreements with respect to an issue of the electronic wallet, so it necessarily cannot disclose or suggest a first business entity managing the recording of information regarding a tie-up agreement between the first business entity and the second business entity (which issues a portable electronic device in which electronic money information is recorded " the Examiner disagrees with Applicant's because these limitations were e addressed within the teachings as stated.

Yacobi discloses a first information processing apparatus managed by a first business entity performing the management of an electronic money brand in an electronic money service and the management of an affiliate business entity in the electronic money service.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67)

first information giving and receiving means for giving and receiving information with a third information processing apparatus managed by a second business entity issuing a second information processing apparatus in which electronic money information and authentication information employed for authentication processing for the electronic money service are recorded.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) second information giving and receiving means for giving and receiving information with a fourth information processing apparatus managed by a third business entity providing a service that uses the electronic money first recording means for recording the authentication information used for the authentication processing for the electronic money service; second recording means for recording the information regarding the second business entity and the information regarding a tie-up agreement between the first business entity and the second business entity.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67)

and third recording means for recording the information regarding the third business entity and the information regarding a tie-up agreement between the first business entity and the third business entity.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) and wherein the second information giving and receiving means is in communication with a plurality of reader/writer devices associated with the third business entity and operable to communicate with the second information processing apparatus wherein the reader/writer devices do not store the authentication information recorded in the second information processing apparatus.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) and wherein the first information giving and receiving means outputs the authentication information recorded by the second recording means on the basis of the information regarding the tie-up agreement between the first business entity and the second business entity that has been recorded by the second recording means, and the second information giving and receiving means outputs the authentication information recorded by the first recording means on the basis of the information regarding the tie-up agreement

between the first business entity and the third business entity that has been recorded by the third recording means. (see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) and first accounting means for carrying out accounting with the second business entity, and second accounting means for carrying out accounting with the third business entity. .(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) and authenticating means for carrying out authentication processing using the authentication information recorded by the first recording means.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67) wherein the authenticating means carries out authentication processing by using the authentication information associated with the third business entity recorded by the first recording means when a signal requesting the implementation of authentication processing is received from the third business entity by the second information giving and receiving means.(see column 2 lines 65-67 and column 3 lines 1-29 and column 4 lines 30-67 and column 5-7 lines 1-67).

Therefore it is inherently that Applicant's claimed limitations were addressed with the teachings of Yacobi.

Further while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone MPEP 2114; In re Swineheart, 169 USPQ 226; In re Schreiber, **44 USPQ2d 1429 (Fed. Cir. 1997)**.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL. See MPEP § 706.07(a)**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

December 8, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Ac 3692*